

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHRISTOPHER FRICK,

Plaintiff,

v.

DR. DY, *et al.*,

Defendants.

Case No. C22-801-JHC-MLP

ORDER

This is a prisoner civil rights action proceeding under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971). This matter is before the Court on Plaintiff Christopher Frick’s “Motion for Time to File Surreply to Defendants[’] Reply” (“Plaintiff’s Motion”). (Dkt. # 71.) Plaintiff’s Motion requests time to file a “surreply” to Defendants’ pending motion to dismiss because Plaintiff is awaiting grievance records from the Federal Detention Center-SeaTac (“FDC SeaTac”).<sup>1</sup> (*Id.* at 1.) Defendants did not file a response.

Plaintiff argues that he needs the grievance records to rebut Defendants’ account that he has failed to exhaust his administrative remedies with respect to his claims in this action. (Dkt.

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<sup>1</sup> Though Plaintiff has requested time to file a surreply, pursuant to this Court’s Local Civil Rules (“LCR”), a surreply is limited to motions to strike material contained in or attached to a reply brief. *See* LCR 7(g). The Court will therefore construe Plaintiff’s Motion as a request to file a supplement to his previous response to Defendants’ motion to dismiss.

1 # 71 at 1; *see also* dkt. # 59.) Plaintiff additionally notes that he has several medical  
2 appointments this month, with some requiring anesthesia, and that he will need time to recover  
3 before filing. (Dkt. # 71 at 1.)

4 Given the arguments made by Plaintiff in his motion, and Defendants' lack of opposition  
5 to Plaintiff's request, the Court finds that a brief period of time to allow Plaintiff to receive  
6 grievance records from FDC SeaTac, and to supplement his previous response to Defendants'  
7 motion to dismiss, is appropriate.

8 Accordingly, the Court GRANTS Plaintiff's Motion (dkt. # 71). Plaintiff shall file his  
9 supplemental response to Defendants' motion to dismiss by **April 10, 2023**. The Clerk is  
10 directed to RE-NOTE the parties' pending motions (dkt. ## 59, 63, 68) for the Court's  
11 consideration on **April 14, 2023**. Defendants may file a supplemental reply to Plaintiff's  
12 supplemental response not later than the noting date.

13 Dated this 23rd day of March, 2023.

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15 MICHELLE L. PETERSON  
16 United States Magistrate Judge  
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